

AMENDED IN SENATE JULY 17, 2003

AMENDED IN SENATE JULY 8, 2003

AMENDED IN ASSEMBLY MAY 27, 2003

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CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1022

Introduced by Assembly Member Oropeza
(Coauthor: Senator Murray)

February 20, 2003

An act to amend Sections 21455.5, 21455.6, and 21455.7 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1022, as amended, Oropeza. Vehicles: automated enforcement systems.

(1) Existing law authorizes the limitline, intersection, or other places where a driver is required to stop to be equipped with an automated enforcement system, as defined, if the system meets certain requirements. Existing law limits the authority to operate an automated enforcement system to governmental agencies, in cooperation with law enforcement agencies.

This bill would define the term “operate” for purposes of these provisions and would prohibit a contract between a governmental agency and a manufacturer or supplier of automated enforcement equipment from including a provision for the payment or compensation to the manufacturer or supplier based on the number of citations

generated, or as a percentage of the revenue generated, as a result of the use of the equipment as authorized under these provisions.

The bill would authorize the governmental agency to contract out the operation, as defined, of the system under certain circumstances, except for certain activities that the bill would prohibit from being contracted out to the manufacturer or supplier of the automated enforcement system.

The bill would specify that the provisions prohibiting the payment or compensation to the manufacturer or supplier based on the number of citations generated or percentage of revenue generated do not apply to a contract that was entered into by a governmental agency and a manufacturer or supplier of automated enforcement equipment before January 1, 2004, unless that contract is renewed, extended, or amended on or after January 1, 2004.

(2) Existing law requires at an intersection at which there is an automated enforcement system in operation, the minimum yellow light change interval be established in accordance with the Traffic Manual of the Department of Transportation.

This bill would specify that the minimum yellow light change intervals relating to designated approach speeds provided in that manual are mandatory minimum yellow light intervals.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21455.5 of the Vehicle Code is amended
2 to read:

3 21455.5. (a) The limit line, the intersection, or a place
4 designated in Section 21455, where a driver is required to stop,
5 may be equipped with an automated enforcement system if the
6 governmental agency utilizing the system meets all of the
7 following requirements:

8 (1) Identifies the system by signs that clearly indicate the
9 system's presence and are visible to traffic approaching from all
10 directions, or posts signs at all major entrances to the city,
11 including, at a minimum, freeways, bridges, and state highway
12 routes.

13 (2) If it locates the system at an intersection, and ensures that
14 the system meets the criteria specified in Section 21455.7.



1 (b) Prior to issuing citations under this section, a local
2 jurisdiction utilizing an automated traffic enforcement system
3 shall commence a program to issue only warning notices for 30
4 days. The local jurisdiction shall also make a public announcement
5 of the automated traffic enforcement system at least 30 days prior
6 to the commencement of the enforcement program.

7 (c) Only a governmental agency, in cooperation with a law
8 enforcement agency, may operate an automated enforcement
9 system. As used in this subdivision, “operate” includes all of the
10 following activities:

11 (1) Developing uniform guidelines for screening and issuing
12 violations and for the processing and storage of confidential
13 information, and establishing procedures to ensure compliance
14 with those guidelines.

15 (2) Performing administrative functions and day-to-day
16 functions, including, but not limited to, all of the following:

17 (A) Establishing guidelines for selection of location.

18 (B) Ensuring that the equipment is regularly inspected.

19 (C) Certifying that the equipment is properly installed and
20 calibrated, and is operating properly.

21 (D) Regularly inspecting and maintaining warning signs
22 placed under paragraph (1) of subdivision (a).

23 (E) Overseeing the establishment or change of signal phases
24 and the timing thereof.

25 (F) Maintaining controls necessary to assure that only those
26 citations that have been reviewed and approved by law
27 enforcement are delivered to violators.

28 (d) The activities listed in subdivision (c) that relate to the
29 operation of the system may be contracted out by the governmental
30 agency, if it maintains overall control and supervision of the
31 system. However, the activities listed in paragraph (1) of, and
32 subparagraphs (A), (D), (E), and (F) of paragraph (2) of,
33 subdivision (c) may not be contracted out to the manufacturer or
34 supplier of the automated enforcement system.

35 (e) (1) Notwithstanding Section 6253 of the Government
36 Code, or any other provision of law, photographic records made
37 by an automated enforcement system shall be confidential, and
38 shall be made available only to governmental agencies and law
39 enforcement agencies and only for the purposes of this article.

(2) Confidential information obtained from the Department of Motor Vehicles for the administration or enforcement of this article shall be held confidential, and may not be used for any other purpose.

~~(3) Notwithstanding Section 34090 of the Government Code or any other provision of law~~

(3) *Except for court records described in Section 68152 of the Government Code*, the confidential records and information described in paragraphs (1) and (2) may ~~not~~ be retained for ~~a period longer than~~ *up to* six months from the date the information was first obtained, or until final disposition of the citation, whichever date is later, after which time the information shall be destroyed in a manner that will preserve the confidentiality of any person included in the record or information.

(f) Notwithstanding subdivision (d), the registered owner or any individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation shall be permitted to review the photographic evidence of the alleged violation.

(g) (1) A contract between a governmental agency and a manufacturer or supplier of automated enforcement equipment may not include provision for the payment or compensation to the manufacturer or supplier based on the number of citations generated, or as a percentage of the revenue generated, as a result of the use of the equipment authorized under this section.

(2) Paragraph (1) does not apply to a contract that was entered into by a governmental agency and a manufacturer or supplier of automated enforcement equipment before January 1, 2004, unless that contract is renewed, extended, or amended on or after January 1, 2004.

SEC. 2. Section 21455.6 of the Vehicle Code is amended to read:

21455.6. (a) A city council or county board of supervisors shall conduct a public hearing on the proposed use of an automated enforcement system authorized under Section 21455.5 prior to authorizing the city or county to enter into a contract for the use of the system.

(b) (1) The activities listed in subdivision (c) of Section 21455.5 that relate to the operation of an automated enforcement system may be contracted out by the city or county, except that the activities listed in paragraph (1) of, and subparagraphs (A), (D),

1 (E), or (F) of paragraph (2) of, subdivision (c) of Section 21455.5
2 may not be contracted out to the manufacturer or supplier of the
3 automated enforcement system.

4 (2) Paragraph (1) does not apply to a contract that was entered
5 into by a city or county and a manufacturer or supplier of
6 automated enforcement equipment before January 1, 2004, unless
7 that contract is renewed, extended, or amended on or after January
8 1, 2004.

9 (c) The authorization in Section 21455.5 to use automated
10 enforcement systems does not authorize the use of photo radar for
11 speed enforcement purposes by any jurisdiction.

12 SEC. 3. Section 21455.7 of the Vehicle Code is amended to
13 read:

14 21455.7. (a) At an intersection at which there is an automated
15 enforcement system in operation, the minimum yellow light
16 change interval shall be established in accordance with the Traffic
17 Manual of the Department of Transportation.

18 (b) For purposes of subdivision (a), the minimum yellow light
19 change intervals relating to designated approach speeds provided
20 in the Traffic Manual of the Department of Transportation are
21 mandatory minimum yellow light intervals.

22 (c) *A yellow light change interval may exceed the minimum*
23 *interval established pursuant to subdivision (a).*

